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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,877	08/28/2000	Christopher K. Williams	5169.00001	7537

7590

11/17/2003

Banner & Witcoff Ltd
1001 G Street N W
Washington, DC 20001

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/648,877	Applicant(s) WILLIAMS ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-67 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 32 , drawn to a method of conducting a transaction at a merchant computer connected by a computer network to a consumer and a billing computer, wherein the consumer purchases a product or service from the merchant computer by charging the value of the product or service to a consumer billing account by receiving an approval indication for the transaction from the billing computer, classified in class 705, subclass 40.
 - II. Claims 35-40, drawn to a merchant computer connected by a computer network to a consumer and a billing computer comprising a controller which controls the transaction with the consumer upon receiving an approval code from the billing computer. The merchant computer includes a comparator and a controller compares a first consumer identifier and a second consumer identifier before delivering the product or service to the consumer if the billing computer approves the transaction and the first and second identifiers indicate a match, classified in class 705, subclass 40.
 - III. Claim 54, drawn to a method of conducting a transaction at a billing computer connected to a computer network, wherein a consumer purchases a product or service from a merchant computer by charging the value of the product or service to a consumer billing account and by determining whether to approve

the transaction by considering an authorization code transmitted by the consumer, classified in class 705, subclass 40.

IV. Claims 1-17, 18 and 19, 41-53 and 55, drawn to a method of conducting a transaction between a consumer, a merchant computer, and a billing computer connected together over a computer network, wherein the consumer purchases a product or a service from the merchant computer by charging the value of the product or service to a consumer billing account by requiring the consumer authorization the transaction by transmitting an authorization code to the billing computer. Claim 14 further recites a matching of a first and second consumer identifiers before delivering of the product or service to the consumer, classified in class 705, subclass 40.

V. Claims 1, 20-24, and 57-61, drawn to a method of conducting a multiplicity of transactions between a consumer, at least one merchant computer, and a billing computer connected together over a computer network, wherein each transaction is for a product or service that the consumer purchases from one of the at least one merchant computer, the method comprising the step of conducting each transaction based on the method of claim 1 and further recites steps of charging the aggregated transactions to the consumer billing account only upon the occurrence of a specified event, classified in class 705, subclass 40.

VI. Claims 25-31, drawn to a method of conducting a transaction at a merchant computer connected by a computer network to a consumer and a billing computer, wherein the consumer purchases a product or service from the

merchant computer by charging the value of the product or service to a consumer billing account by receiving an approval indication for the transaction from the billing computer. The method further comprises transmitting the transaction identification code to the consumer, classified in class 705, subclass 40.

VII. Claims 33-34, drawn to a method of conducting a transaction at a merchant computer connected by a computer network to a consumer and a billing computer, wherein the consumer purchases a product or service from the merchant computer by charging the value of the product or service to a consumer billing account by including a step of receiving an approval indication for the transaction and a first consumer identifier from the billing computer, receiving an order fulfillment request and a second consumer identifier from the consumer and comparing the first and second consumer identifier, classified in class 705, subclass 40.

VIII. Claims 62-67, drawn to a billing computer connected to a consumer and a merchant computer by a computer network comprising a comparator for determining whether to approve transaction and a controller for conducting a transaction including the purchased of a product or service by charging the value of the product or service to a consumer billing account. Claims 62-67 further recite in the billing computer, the controller performs various functions to determine approval of a transaction, classified in class 705, subclass 40.

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2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because in the invention of Group I, it is not necessary for The merchant computer to include a comparator and a controller to compare a first consumer identifier and a second consumer identifier before delivering the product or service to the consumer if the billing computer approves the transaction and the first and second identifiers indicate a match, as recited in Group II; or the determining whether to approve the transaction by considering an authorization code transmitted by the consumer of Group III; or by charging the value of the product or service to a consumer billing account by requiring the consumer authorization the transaction by transmitting an authorization code to the billing computer of Group IV; or by charging the aggregated transactions to the consumer billing account only upon the occurrence of a specified event of Group V; or by charging the value of the product or service to a consumer billing account by receiving an approval indication for the transaction from the billing computer of Group VI; or by receiving an approval indication for the transaction and a first consumer identifier from the billing computer, receiving an order fulfillment request and a second consumer identifier from the consumer and comparing the first and second consumer identifier of Group VII; or by having a billing computer including a controller which performs various functions to determine approval of a transaction of Group VIII.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 Before Final actions and (703) 872-9327 After Final actions.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

October 22, 2003

FP
FRANTZY POINVIL
PRIMARY EXAMINER
443628